

ASSEMBLY BILL

No. 73

Introduced by Assembly Member Feuer

December 21, 2010

An act relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 73, as introduced, Feuer. Dependency proceedings: public access.

Existing law provides that the public shall not be admitted to a juvenile court hearing in a dependency proceeding, unless requested by a parent or guardian and consented to or requested by the minor concerning whom the petition has been filed. Existing law permits the judge or referee to admit those persons as he or she deems to have a direct and legitimate interest in the particular case or the work of the court.

This bill would express the intent of the Legislature to enact legislation to provide that juvenile court hearings in juvenile dependency cases shall be presumptively open to the public, unless the court finds that admitting the public would not be in a child's best interest. The bill would also include a statement of legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Many states increasingly permit or require public access to
- 4 juvenile court hearings in juvenile dependency cases involving
- 5 abuse and neglect.

1 (b) Pursuant to Section 346 of the Welfare and Institutions Code,
2 California is currently among the states that require that all
3 proceedings in juvenile dependency matters be closed to the public,
4 except under specified circumstances.

5 (c) Public access to juvenile court hearings has the benefit of
6 ensuring that the child welfare system can be held more
7 accountable, and of educating the public about the needs of the
8 child welfare system.

9 (d) Children's privacy rights can be protected by ensuring that
10 juvenile court judges have the discretion to close individual
11 hearings based on the circumstances of the cases and the needs
12 and best interests of specific children while presumptively ensuring
13 those proceedings are open and transparent.

14 SEC. 2. It is the intent of the Legislature to enact legislation
15 to provide that juvenile court hearings in juvenile dependency
16 cases shall be presumptively open to the public unless the court
17 finds that admitting the public would not be in a child's best
18 interest.